



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/988,686 12/11/97 KONECNI

A TI-22166

023494

MM92/0130

TEXAS INSTRUMENTS INCORPORATED

P O BOX 655474, M/S 3999

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EXAMINER

EATON, K

ART UNIT

PAPER NUMBER

2823

DATE MAILED:

01/30/01

#19

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Advisory Action**

Application No.

08/988,686

Applicant(s)

KONECNI ET AL.

Examiner

Kurt M. Eaton

Art Unit

2823

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 January 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check only a) or b)]

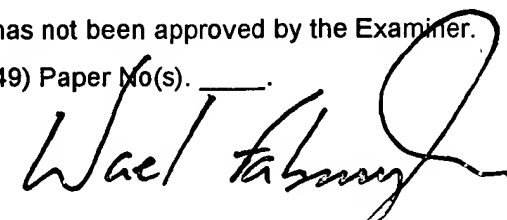
- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search. (see NOTE below);
- (b) ☐ they raise the issue of new matter. (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see ATTACHMENT TO ADVISORY ACTION.

4. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
5. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
6. ☒ The a) ☒ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see ATTACHMENT TO ADVISORY ACTION.
7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: 21-32.
- Claim(s) withdrawn from consideration: 16-20.
9. ☐ The proposed drawing correction filed on \_\_\_\_\_ a) ☐ has b) ☐ has not been approved by the Examiner.
10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
11. ☐ Other: \_\_\_\_\_



SUPERVISORY PRIMARY EXAMINER  
TECHNOLOGY CENTER 2823

### ATTACHMENT TO ADVISORY ACTION

1. The shortened statutory period for reply expires THREE MONTHS from the mailing date of the final rejection or as of the mailing date of this advisory action, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Any extension fee required pursuant to 37 CFR 1.17 will be calculated from the date that the shortened statutory period for reply expires as set forth above.

2. The amendment filed 1/22/01 under 37 CFR 1.116 in reply to the final rejection has been considered but is not deemed to place the application in condition for allowance and will not be entered because:

a. The proposed amendment raises new issues that would require further consideration and/or search. In the instant case, claim 21 was amended to recite providing a halogen free gas made of hydrogen incorporated within a plasma into the opening in the insulating layer and onto the exposed portion of the first conductive layer to increase the reactive surface of any residual material on the exposed portion and at least partially remove the residual material; and then depositing a conductive material into the opening and onto the exposed portion using chemical vapor deposition - where the underlined words represent added language. Claim 24 is dependent upon claim 21 and was finally rejected under 35 USC §102(e) as being anticipated by Nakata (U.S. Patent No. 5,620,925). Nakata (U.S. Patent No. 5,620,925) teaches wherein the conductive material specified in claim 24 is deposited into the opening, but not onto the exposed portion - accordingly, the amendment at least in this respect introduces new issues that would require further consideration and/or search.

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b. The declaration filed on 1/22/01 has been considered but is ineffective to overcome the Taguwa (U.S. Patent No. 6,020,254) and Park et al. (U.S. Patent No. 6,051,492) references. The scope of the declaration is not commensurate with the scope of the instantly presented claims. For example, the independent claim specifically excludes the use of a halogen containing gas including hydrogen within a plasma provided into the insulating layer and onto the exposed portion of the first conductive layer to increase the reactive surface of any residual material on the exposed portion and to at least partially remove the residual material. The scope of the declaration, however, is not commensurate with the scope of the aforementioned claim in that the invention disclosure mentioned in the declarations of Christopher W. Kennerly and Barton E. Showalter does not exclude the use of a halogen containing gas including hydrogen within the plasma. Furthermore, there is no convincing showing of why this declaration was not earlier presented.

### *Conclusion*

3. Paper related to this application may be submitted directly to Art Unit 2823 by facsimile transmission. Papers should be faxed to Art Unit 2823 via the Art Unit 2823 Fax Center located in Crystal Plaza 4, room 4C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (15 November 1989). The Art Unit 2823 Fax Center number is (703) 308-7722 or -7724. The Art Unit 2823 Fax Center is to be used only for papers related to Art Unit 2823 applications.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Kurt Eaton** at (703) 305-0383 and between the hours of 8:00 AM to 4:00 PM (Eastern Standard Time) Monday through Friday or by e-mail via [kurt.eaton@uspto.gov](mailto:kurt.eaton@uspto.gov).